

EXHIBIT 49

**REDACTED VERSION OF
DOCUMENT SOUGHT TO BE
SEALED**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
)
Plaintiff,)
vs.) Case No.
17-cv-00939-WHA
UBER TECHNOLOGIES, INC.;)
OTTOMOTTO, LLC; OTTO TRUCKING LLC,)
)
Defendants.)
)
_____)

HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY

UNDER THE PROTECTIVE ORDER
VIDEOTAPED DEPOSITION OF
GAETAN PENNECOT
San Francisco, California
Thursday, August 9, 2017
Volume IV

Reported by:
MARY J. GOFF
CSR No. 13427
Job No. 2675906
PAGES 479 - 763

Page 479

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
)
Plaintiff,)
vs.) Case No.
) 17-cv-00939-WHA
UBER TECHNOLOGIES, INC.;)
9 OTTOMOTTO, LLC; OTTO TRUCKING LLC,)
)
Defendants.)
)
)
11)
12)

Highly Confidential Videotaped Deposition of
GAETAN PENNECOT, Volume IV, taken on behalf of
Plaintiff Waymo LLC, at Quinn Emanuel Urquhart &
Sullivan, LLP, 50 California Street, 22nd Floor, San
Francisco, California 94111m, beginning at
9:46 a.m. and ending at 6:52 p.m., on August 9,
2017, before MARY GOFF, Certified Shorthand Reporter
No. 13427.

| | | |
|----|--|------------|
| 1 | [REDACTED] | 01:59:09 |
| 2 | Q What was he referring to? | 01:59:11 |
| 3 | A I think the valuation of Chauffeur. | 01:59:17 |
| 4 | Q Do you know what he meant by [REDACTED] | [REDACTED] |
| | [REDACTED] | 01:59:21 |
| 6 | A I don't know. | 01:59:23 |
| 7 | Q Did you respond to his text message? | 01:59:24 |
| 8 | A I didn't. | 01:59:26 |
| 9 | Q Did you talk to him about this? | 01:59:27 |
| 10 | A I may have. | 01:59:29 |
| 11 | Q And what did you talk about? | 01:59:31 |
| 12 | A I think I talked about fact that I | 01:59:34 |
| 13 | received my bonus at that time. | 01:59:37 |
| 14 | Q Do you have an idea of what | 01:59:50 |
| 15 | Mr. Levandowski is referring to here? | 01:59:51 |
| 16 | A I don't know. | 01:59:55 |
| 17 | Q Do you have any understanding what he's | 01:59:57 |
| 18 | talking about in Exhibit 537? | 01:59:58 |
| 19 | A I think he's talking about the valuation | 02:00:01 |
| 20 | of Chauffeur. | 02:00:03 |
| 21 | Q And what was going on with the valuation | 02:00:04 |
| 22 | of Chauffeur in October 2016? | 02:00:07 |
| 23 | A I have no clue. | 02:00:09 |
| 24 | Q So what's your basis to say -- well, okay. | 02:00:10 |
| 25 | After he sent this text message -- | 02:00:16 |

1 A Yeah. 02:00:19

2 Q -- did you call him? 02:00:19

3 A I don't think so. I -- 02:00:24

4 Q And you didn't respond? 02:00:26

5 A So Anthony at that time was in the -- in 02:00:29

6 the office, so I probably waited until he stopped 02:00:30

7 by. 02:00:35

8 Q And what did you say? 02:00:36

9 A I don't remember. 02:00:38

10 Q What did he say? 02:00:39

11 A I don't remember. I think I -- I 02:00:41

12 express -- so what probably triggered that text was 02:00:49

13 that I was very concerned at some point that I was 02:00:52

14 not going to get my bonus. Because my understanding 02:00:55

15 of the plan was that it was depending on the 02:01:00

16 valuation. 02:01:04

17 And I -- and the valuation [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] And I probably 02:01:11

20 expressed my concerns to Anthony at this point, 02:01:14

21 because I didn't have any understanding of the 02:01:16

22 Chauffeur plan. And I thought Anthony had a better 02:01:20

23 understanding than I did. 02:01:24

24 Q So wait. Your understanding was that your 02:01:27

25 bonus six months after you left would be based on 02:01:29

1 some subsequent valuation? 02:01:32

2 A Yes. So -- 02:01:35

3 Q Okay. Is that -- is that still your 02:01:35

4 belief today? 02:01:39

5 A This is my belief. 02:01:41

6 Q But when you chose to leave, I believe you 02:01:43

7 testified in one of your previous depositions that 02:01:53

8 you chose to leave because you thought [REDACTED] [REDACTED]

9 [REDACTED]? 02:01:59

10 A So exactly. So like, [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] 02:02:11

14 Like, I had other concerns that were 02:02:12

15 bigger than that. But that was another way it was 02:02:15

16 indicating to making me leave. 02:02:18

17 Let's say [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] Do you see what I mean? So -- 02:02:39

22 Q Okay. 02:02:46

23 A -- [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] 02:02:53

1 I, MARY J. GOFF, CSR No. 13427, Certified
2 Shorthand Reporter of the State of California,
3 certify;

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth, at
6 which time the witness declared under penalty of
7 perjury; that the testimony of the witness and all
8 objections made at the time of the examination were
9 recorded stenographically by me and were thereafter
10 transcribed under my direction and supervision; that
11 the foregoing is a full, true, and correct
12 transcript of my shorthand notes so taken and of the
13 testimony so given;

14 That before completion of the deposition,
15 review of the transcript () was (XX) was not
16 requested: () that the witness has failed or
17 refused to approve the transcript.

18 I further certify that I am not financially
19 interested in the action, and I am not a relative or
20 employee of any attorney of the parties, nor of any
21 of the parties.

22 I declare under penalty of perjury under the
23 laws of California that the foregoing is true and
24 correct, dated this 11th day of August 2017.

25 

MARY J. GOFF, CSR No. 13427